

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 20-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
STEVEN'S TOBACCO INC**

WHEREAS, state law authorizes a City Council to impose sanctions upon the holder of a Retail Tobacco License who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 1113 Robert St S, West St. Paul, Minnesota on January 14, 2020 pursuant to Minnesota Statutes, sections 14.57 to 14.69; and

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the store clerk, Brandon Nieves, residing at 1550 Charlton Street, Apt 206, West St Paul, Minnesota on January 14, 2020, pursuant to Minnesota Statutes, sections 14.57 to 14.69.

- 1.01 The hearing was held on Monday, February 24, 2020, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the Tobacco License holder for the premises at 1113 Robert Street S (Steven's Tobacco) failed to comply with an applicable statute in that a tobacco product was sold to an underage person on November 20, 2020 in the licensed establishment; and
- 2.02 The clerk at the time, Brandon Nieves, residing at 1550 Charlton Street, Apt 206, West St Paul, Minnesota, conducted the illegal sale of the tobacco product;
- 2.03 The following sanctions are imposed for the violation:

- a) \$200 fine for the license holder (Minimum statutory/City Code requirement - \$75);
- b) \$50 fine for the employee (Minimum statutory/City Code requirement - \$50);
- c) The Licensee must pay the civil sanction (\$200) within 30 days of being invoiced;
- d) The store clerk, Brandon Nieves, must pay the civil sanction (\$50) within 30 days of being invoiced;
- e) The Tobacco License shall be suspended for a period of 3 days, within 60 days of the hearing; as determined by the City Licensing Department;
- f) While holding a City-issued Tobacco License, a representative from this establishment will attend any future City-sponsored tobacco compliance training when notified; and
- g) While holding a City-issued Tobacco License, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive. This list must be up kept to date and made available to the Police Department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 24nd day of February, 2020.

Attest:

David J. Napier, Mayor

Shirley R Buecksler, City Clerk